

NDEP General Comments on OU-3 HHRA WP -YPT Comments and EPA Responses			
Number	Location	Comment	Status
1	General- Residential vs Commercial/Industrial Evaluation	Lyon County recorded a SPS Environmental Covenant on 03/29/17, which restricts current and future residential habitation, hospitals, schools and daycares from being located on all SPS property. The EC also restricts groundwater use for human consumption. For BLM managed land, restrictions are in place that will prevent residential use of public lands. NDEP agrees with the EPA Guidance statement that “reasonable anticipated land use” needs to be considered when determining the level of risk assessment warranted, and when considering RAOs and cleanup levels. NDEP supports proceeding with HHRA evaluation under Commercial or Industrial evaluations only, and not residential.	Decision pending further discussion
2	General- Trespasser	NDEP supports a potential trespasser age as proposed in TM1, and discussed with and agreed to by Chris Dirscherl on 1/29/16. NDEP supports using adolescent and adult-age (age 11 and up) trespasser scenarios in the risk assessment.	Decision pending further discussion
3	General- Need for additional sampling	Through the dynamic RI process, including the step-out and step-down sampling, and EPA approval of the RI Report, NDEP believes there is sufficient sampling to proceed with finalizing the HHRA and initiating the FS. NDEP does not support additional sampling for OU-3.	Resolved; EPA & NDEP in agreement
4	General- Worker Exposure	NDEP interprets EPA guidance documents as: Remedial Action Worker risk assessment scenario is not intended for the HHRA process. The current risk assessment inclusion of Outdoor (site security, O&M activities, and others with some exposure to OU-3 materials) Workers and Trench (utility work, etc.) Workers is appropriate, and NDEP deems that a worker exposure duration of 1-5 years is reasonable. NDEP recommends reasonable interpretations of guidance documents and application of practical exposure scenarios that are specific	Decision pending further discussion

		to OU-3 and specific sub-areas within OU-3.	
5	General- Tribal Exposure	NDEP understands the concern of Tribes related to tribal member exposure to risks. NDEP believes OU-3 is relatively more remote from tribal members than other OUs, but it could be appropriate to understand the tribal receptor pathways, and perform calculations to determine if there are complete pathways. NDEP believes this should be discussed further before decisions are made. NDEP firmly believes in practical and reasonable interpretations of guidance and regulations to arrive at reasonably protective measures.	Decision pending further discussion
6	General- VLT	NDEP agrees with EPA that additional statistical analysis of the VLT sediments is warranted. NDEP supports utilization of depth-weighted averaging, rather than surface area-weighted averaging, in their analysis to reduce uncertainty in risk calculations.	Tentative agreement , but additional discussion needed.